

# Hay Harvesting



**Operations Division**

## Hay Harvesting Permits

The information in this brochure is taken from Title 408, Chapter 1 - Hay Harvesting Permits. The rules and regulations defined in Title 408, Chapter 1, are in accordance with the requirements of Chapter 39, Article 13, Neb. Rev. Stat. 39-1359.01.

To obtain a complete copy of the rules and regulations for hay harvesting, or for further information, please contact your local NDOR maintenance office listed on the back of this brochure, or visit the website: <http://www.transportation.nebraska.gov/hay/>

The purpose of this brochure is to provide general information for mowing and harvesting hay on the right-of-way of highways on the state highway system.

---

---

## Liability

---

---

The applicant for a permit shall sign a release acknowledging that the applicant will assume all risk and liability for hay quality, and any accidents and damages that may occur as a result of the work.

The applicant shall provide to the Department an ACORD Certificate of Insurance or substantially equivalent certificate showing the types and amounts of liability insurance carried by the applicant, showing that each policy includes coverage of at least one million dollars for mowing, baling, and removing hay from state highway property. A copy of any policy of insurance used to meet the coverage limits, shall be provided to the Department.

---

---

## Criteria

---

---

An abutting landowner or the owner's assignee has priority to obtain a permit from March 1 through July 29.

If mowing and harvesting hay occurs in any state right-of-way area one year, then mowing and harvesting hay is not allowed in that same area the following year.

All applicants who are not abutting landowners or owners' assignees may not apply for a permit until July 30.

For abutting landowners, mowing and harvesting of hay may begin on or after July 15 and shall end no later than September 15.

Applicants who are not abutting landowners or owners' assignees are limited to a permit not to exceed a total of five miles per year. These miles

may be on either side of the highway as long as the combined distance on both sides does not exceed five miles. These five miles need not be continuous. Distance will be referenced to the nearest milepost.

Mowing and harvesting for general permits (non-abutting) begins August 1, and ends September 15.

Only one cutting per permit will be allowed.

---

---

## Permit Holder Requirements

---

---

The permittee shall obtain noxious weed identification, location, and demarcation from the County Weed Superintendent prior to harvesting hay on the highway right-of-way. Noxious weeds shall be mowed but not windrowed or baled.

The permittee shall have a copy of the permit on site during all harvesting activities.

No selective mowing will be allowed. All vegetation including grasses, weeds, sunflowers, or volunteer growth, excluding landscaping, must be mowed even if not harvested.

All baled vegetation shall be removed from the right-of-way within 10 days after being baled or by September 15.

No mowing or harvesting shall be allowed on any of the following non-exclusive listed areas:

- On the right-of-way of any interstate or freeway.
- Within 15 feet from the edge of the pavement.
- On slopes steeper than three feet horizontal to one foot vertical.
- On newly seeded areas where adequate vegetation is not established.
- On areas with sparse or marginal vegetative cover as determined by the Department.
- On medians, interchange quadrants, rest areas, and construction zones.

- Within corporate limits.
- On other areas excluded by the Department.

Right-of-way markers, land monuments, fences, signs, landscape plantings or other highway features or structures shall not be removed, altered or damaged. The permittee shall be financially responsible for any damages.

Hay harvesting operations within the right-of-way shall be confined to the hours between one hour after sunrise to one hour before sunset.

Equipment shall be parked at the right-of-way line. In no case shall equipment be parked closer than 30 feet from the near edge of the pavement.

All hay harvested from the right-of-way shall be for the private use of the permittee.

When on foot, all persons shall be required to wear high-visibility safety apparel.

---



---

## Application Process

---



---

Identify the area desired for hay harvesting by highway and reference post numbers.

Obtain an application to harvest hay from the nearest Department of Roads area maintenance office or go on-line at <http://www.transportation.nebraska.gov/hay/>

Submit the completed application form to the nearest Department of Roads area maintenance office along with:

- Required certificate of insurance.
- Copy of insurance policy.
- Check or money order for \$40, made payable to Nebraska Department of Roads.

**All completed applications must be submitted in person.**

---



---

## Permits

---



---

- A permit is non-transferable, non-refundable, and must be issued before an applicant can begin mowing operations.
- The permittee shall give the Department 48 hours notice before the start of any haying operations.
- All permits expire on September 15 of the year of issue.
- Any hay harvested without a permit will become the property of the State and shall be confiscated by the Department.
- Any person harvesting hay without a permit shall be responsible for all incurred costs and damages.



## Definitions

The following definitions are from  
Chapter 1 - Hay Harvesting Permits.

**Abutting owner.** Owner of land immediately adjacent to the highway right-of-way, including those persons having an intervening strip ownership of land. Some examples of intervening strip ownership include but are not limited to railroads, canal systems, trail systems, etc.

**Aesthetic Mowing.** Cutting of hay without baling.

**Assignee.** One to whom property rights or powers are transferred by another.

**Department.** Nebraska Department of Roads.

**Freeway.** An expressway with full control of access (having no at-grade intersections)

**Harvesting.** Cutting of hay and removing hay from the ground by baling.

**Hay.** All vegetation including annuals and including woody plants that are one-inch or less in diameter.

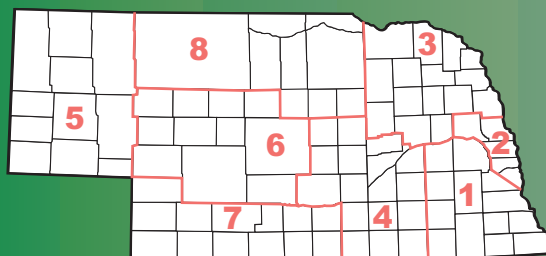
**Normal business hours.** 8:00 a.m. - 4:30 p.m., Monday through Friday, excludes holidays.

**Owner.** A person, other than a lien-holder, having title in whole or part to real estate and entitled to the use and possession, including a person entitled to the use and possession of the real estate under a land contract, 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition.

**Person.** Every natural person, firm, partnership, association, organization, or corporation, both public and private.

**Right-of-Way.** Land, property, or interest therein, usually in a strip acquired for or devoted to the state highway system.

## NDOR State Highway Districts



### Maintenance Offices

#### District 1

Lincoln Superior St. ....402-471-0850  
Beatrice .....402-223-6605  
Auburn .....402-274-4985

#### District 2

Omaha So. 108th St. ....402-595-2497  
Fremont .....402-727-3292  
Elkhorn .....402-289-4444

#### District 3

Norfolk .....402-370-3477  
Columbus .....402-564-4126  
Neligh .....402-887-5441  
So. Sioux city .....402-494-6826  
Wayne .....402-375-7070

#### District 4

Grand Island .....308-385-6263  
Ord .....308-728-3761  
York .....402-362-5930  
Hastings .....402-462-1996

#### District 5

Gering .....308-436-6587  
Chadron .....308-432-6141  
Scottsbluff .....308-632-1432  
Sidney .....308-254-6932

#### District 6

North Platte .....308-535-8010  
Lexington .....308-324-3885  
Ogallala .....308-284-8070  
Broken Bow .....308-872-6733  
Mullen .....308-546-2241

#### District 7

McCook .....308-345-8495  
Holdrege .....308-995-4242  
Imperial .....308-882-4252

#### District 8

Ainsworth .....402-387-2472  
O'Neill .....402-336-2051  
Valentine .....402-376-1350